

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, WASHIM.

**Atro.Spl.Case No. 30/2023
State Vs. Sangram and Anr.
(CNR No.MHWS010006012023)**

Order below Exh.5.
(Passed on 12/05/2023)

The applicant/accused has filed this application for bail under Sec.439 of Cr.P.C.. Washim city police arrested the applicant/accused in Crime No.116/2023 for the offences punishable under Section 307, 341 r/w S.34 of the Indian Penal Code and S. 3(1)(r)(s), 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard Ld. advocate for the applicant/accused and Ld. APP for the State. Perused the charge-sheet. The Investigating Officer has submitted report that notice of this bail application is served on injured. In spite of said notice the injured remained absent.

3. The Ld. advocate for the applicant/accused submitted that the first bail application was rejected only on the ground that investigation was in progress. He submitted that now the investigation is completed and charge-sheet is filed against the accused. That the co accused Govardhan is already released on bail. He submitted that it will take some time to conclude the trial. He submitted that as the investigation is completed accused be released on bail.

4. On the other hand, the Ld. APP has opposed the bail application on the ground that earlier bail application was rejected. He submitted that there is prima facie evidence against the accused to show that he gave blow of knife on the abdomen part of injured. On these grounds, he prayer that application be rejected.

5. The earlier bail application was rejected on the ground that investigation is still in progress and charge-sheet is yet to be filed. Now the investigation is completed and charge-sheet is filed therefore, its amounts to change in circumstances. Hence, the successive bail petition is maintainable. After filing charge-sheet the case is allotted to this Court and then the said bail application is filed.

6. It is case of prosecution that the applicant/accused demanded Rs.100/- from injured. On refusal he abused him based on his caste and co accused caught hold hands of injured and the applicant/accused had given blow of knife on the abdomen of injured. That the injured has sustained life threatening injury. He was admitted in government hospital Akola.

7. On perusal of injury certificate it appears that there is only on stab injury on the abdomen of injured. Now the injured is out of danger. It will take time to conclude the trial. Considering the above aspect, I am of the view that the applicant/accused is entitled to be released on bail on certain condition. In the result, I pass following order.

ORDER

1. Application is allowed.
2. Applicant/accused Sangram @ Pappu Datta Vyavahare shall be released on bail on his executing P.R. Bond of Rs. 50,000/- with surety in the like amount, in Crime No.116/2023 for the offences punishable under Section 307, 341 r/w S.34 of the Indian Penal Code and S. 3(1)(r) (s), 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered with Police Station Washim (city), Tq.Dist. Washim.

3. Applicant/accused is hereby directed not to pressurize the witnesses and not to tamper the prosecution evidence and to co-operate Investigating Officer.

Date: 12/05/2023.

(N.R.Pradhan)
Additional Sessions Judge,
Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original judgment/order.

Name of Stenographer :- R.R.Bharad, Stenographer (Grade-I)

Name of Court :- Shri N.R. Pradhan.
District Judge-1 and Additional
Sessions Judge, Washim, Tq. Dist.
Washim.

Date of Judgment/ Order :- 12/05/2023

Judgment/Order signed by :- 12/05/2023
the Presiding Officer on

Judgment/Order uploaded on :- 12/05/2023